THE HON'BLE SRI P.S.NARAYANA

WRIT PETITION NO.8682 of 2006

DATED 21.09.2006

Between:
Gourisetty Prakash. .. PETITIONER

versus

The Municipal Corporation of Warangal,
Through its Special Officer/Commissioner,
S.V.N. Road, Warangal. .. RESPONDENT

WRIT PETITION NO.8682 of 2006

ORDER:

Heard the learned counsel.

The order impugned in the Writ Petition dated 28.3.2006 reads as hereunder:

"ORDER

In exercise of powers conferred under Section 450 of the HMC Act, 1955 (Act No.II of 1956) read with Andhra Pradesh Municipal Corporation Act, 1994 (Act No.75/94), the Building permission granted vide reference cited is hereby revoked since the owner of the H.No.1-6-236, Kazipet, Hanamkonda has misrepresented the facts at the time of grant of building permission i.e., without showing the site under reference is effected in the 100' wide P.W.D. road, in the interest of convenience of general public safety as it is causing Traffic Conjunction".

Several factual details have been narrated in the affidavit filed in support of the Writ Petition, in the counter affidavit filed by the respondent-Warangal Municipal Corporation and also in the reply affidavit. The Writ Petition also refers to the orders made in Writ Petition No.19361 of 1994 dated 31.10.1994 and Writ Petition No.4793 of 2006, dated 13.3.2006. It is pertinent to note that this Court by order in Writ Petition No.4793 of 2006 made the following order:

"Having regard to the facts and circumstances of the case, this Writ Petition is disposed of directing the respondents not to demolish the structures or take away any portion of the property of the petitioner and

not to dispossess him without following due process of law either under Section 146 of 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs".

It is not in serious controversy that the petitioner was not even put on notice before making this impugned order. In the light of the directions already made by this Court, this Court is of the considered opinion that the action of the respondent in initiating present action and passing the impugned order without issuing prior notice cannot be sustained. Hence, the impugned order is set aside giving liberty to the respondent to issue appropriate notice and the petitioner also is given liberty to raise all objections and the respondent, on receipt of such objections, to consider the same and pass appropriate orders in accordance with law. Till then status quo obtaining as on today to be maintained.

With the direction indicated, the Writ Petition is disposed of. No costs.

21.09.2006

SSR

Issue order copy in two days.

(BO)